



April 1, 2014

Via E-Filing

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Petition of PECO Energy Company for Approval of its Default
Service Program for the period of June 1, 2015 through May 31, 2017
Docket No. P-2014-2409362**

Dear Secretary Chiavetta:

Enclosed please find the Petition to Intervene and Answer of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA") in the captioned proceedings.

Kindly notify the undersigned if you have any questions or concerns about this filing.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Harry S. Geller", is written over a horizontal line.

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CC: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :
for Approval of its Default Service :
Program for the period commencing : **Docket Nos. P-2014-2409362**
June 1, 2015 through May 31, 2017 :

Certificate of Service

I hereby certify that I have this day served copies of CAUSE-PA's Petition to Intervene and Answer, upon the counsel of record for the parties who have filed a Petition to Intervene in the captioned matter, and the statutory parties as set forth below in accordance with the requirements of 52 Pa. Code § 1.54:

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Respectfully submitted,
PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA



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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company :
for Approval of its Default Service :
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June 1, 2015 through May 31, 2017 :

**Petition to Intervene and Answer
of the Coalition for Affordable Utility Services
and Energy Efficiency in Pennsylvania**

Pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code §§ 5.61-5.76, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby files this Petition to Intervene and Answer to the Petition filed by PECO Energy Company (“PECO” or “the Company) for Approval of its Default Service Program for the period commencing June 1, 2015 through May 31, 2017, and in support, states as follows:

1. On March 10, 2014, PECO filed the aforementioned Petition.
2. On March 19, 2014, the Public Utility Commission’s Secretary’s Bureau issued a Notice which directed that formal protests, petitions to intervene, and answers to PECO’s Petition be filed with on or before April 1, 2014.
3. CAUSE-PA is filing this Petition to Intervene and Answer consistent with the Commission’s notice.

Petition to Intervene

4. Eligibility to intervene in Commission proceedings is governed by 52 Pa. Code § 5.72. This section provides, in relevant part, that “[a] petition to intervene may be filed by a

person claiming a right to intervene or an interest of such nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought.” 52 Pa. Code § 5.72(a).

5. Section 5.72 further provides that the right or interest may be one “which may be directly affected and which is not adequately represented by existing participants, and as to which the petitioner may be bound by the action of the Commission in the proceeding.” 52 Pa. Code. § 5.72(a)(2).

6. Even though Section 5.72 speaks of the rights of a “person” to intervene, the Commonwealth Court has consistently stated that “an association may have standing as a representative of its members . . . as long as an organization has at least one member who has or will suffer a direct, immediate, and substantial injury to an interest as a result of the challenged action, [i.e., is aggrieved, the organization] has standing.” *Energy Cons. Council of Pa. v. Pa. P.U. C.*, 995 A.2d 465, 476 (Pa. Commw. 2010) (alteration in original) (citing *Tripps Park v. Pa. P.U. C.*, 415 A.2d 967 (Pa. Commw. 1980) and *Parents United for Better Schools v. School District of Philadelphia*, 646 A.2d 689 (Pa. Commw. 1994)).

7. CAUSE-PA is an unincorporated association of low-income individuals that advocates on behalf of its members to enable consumers of limited economic means to connect to and maintain affordable water, electric, heating and telecommunication services.

8. CAUSE-PA membership is open to moderate- and low-income individuals residing in the Commonwealth of Pennsylvania who are committed to the goal of helping low-income families maintain affordable access to utility services and achieve economic independence and family well-being.

9. CAUSE-PA is located, c/o the Pennsylvania Legal Aid Network, at 118 Locust Street, Harrisburg, PA 17101.

10. CAUSE-PA has interests in the impact that the proposed Default Service Plan has on moderate- and low-income residential customers. These interests are not adequately represented by other participants.

11. CAUSE-PA was granted intervener status and actively participated in earlier proceedings relating to PECO's Default Service Programs for the period commencing June 1, 2013 through May 31, 2015.

12. At least three members of CAUSE-PA are customers of PECO and will be directly affected by the outcome of this proceeding.¹

13. Because at least one member of CAUSE-PA has or will suffer a direct, immediate, and substantial injury to an interest as a result of this proceeding, CAUSE-PA has standing to intervene. *See Energy Cons. Council of Pa.*, 995 A.2d at 476.

14. CAUSE-PA is represented in this proceeding by:

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E-mail: pulp@palegalaid.net

15. Counsel for CAUSE-PA consents to the service of documents by electronic mail to pulp@palegalaid.net, as provided in 52 Pa. Code § 1.54(b)(3).

¹ Mr. Carl Bailey, Ms. Robin Evans, and Ms. Marjorie Jackson are members of CAUSE-PA and customers of PECO.

Answer

16. CAUSE-PA has preliminarily reviewed the PECO's Petition and identified a number of issues presented by the filing which potentially affect its members. CAUSE-PA anticipates that additional issues may arise as a more comprehensive review of the filing is undertaken, discovery is conducted, and the testimony is more thoroughly reviewed. However, the preliminary issues identified by CAUSE-PA include:

a. In its Petition, the Company proposes to adjust its default service reconciliation from its current quarterly reconciliation to a semi-annual reconciliation. Petition ¶ 35. PECO asserts that this change will reduce the significant fluctuations in default service rates and provide more accurate signals to shopping and default service customers. Id.

b. The Company also proposes to continue offering its Standard Offer Program (SOP) for residential and small commercial customers from June 1, 2015 to May 31, 2017. Petition, ¶ 38.

c. The Company proposes to continue to recover the cost of the SOP through a participant fee assessed to EGSs, a discount on the EGSs purchase of receivables, and through the Company's non-bypassable rider. Id.

d. Additionally, the Company proposes to implement several new initiatives such as seamless moves, instant connects, and enhancements to its customer account number lookup procedures. Petition ¶ 39.

17. CAUSE-PA asserts that each of these matters, as presented within the Petition and any proposed modifications presented by intervening parties, must be thoroughly reviewed through discovery and a hearing in order to ensure that the PECO low-income customers are not harmed and the programs are in the public interest.

WHEREFORE, CAUSE-PA respectfully request that the Public Utility Commission:

- (1) enter an order granting CAUSE-PA full status as an intervener in this proceeding with active party status; and,
- (2) Set this matter of hearings

Respectfully submitted,

PENNSYLVANIA UTILITY LAW PROJECT
Counsel for CAUSE-PA

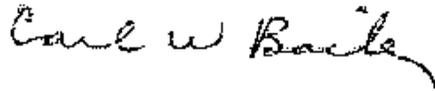


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VERIFICATION

I, **Carl Bailey**, a member of the Executive Committee of the Coalition for Affordable Utility Services and Energy Efficiency (“CAUSE-PA”), on behalf of CAUSE-PA, hereby state that the facts contained in the foregoing pleading are true and correct to the best of my knowledge, information and belief, that I am duly authorized to make this Verification, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 10 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



Date: April 1, 2014

Carl Bailey, on behalf of the
Executive Committee of the Coalition for
Affordable Utility Services and Energy
Efficiency in Pennsylvania (CAUSE-PA)